

WEDNESDAY, APRIL 30, 1997

THIRTY-SIXTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Reverend Harry G. West, Retired, First Baptist Church of Covington, Covington, Tennessee.

Representative Fitzhugh led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Huskey; illness

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 371: Rep(s). Armstrong as prime sponsor(s).

House Bill No. 533: Rep(s). Kent as first sponsor(s).

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House Bill No. 612: Rep(s). Hargrove first prime sponsor(s).

House Bill No. 685: Rep(s). Head as prime sponsor(s).

House Bill No. 727: Rep(s). L. DeBerry as prime sponsor(s).

House Bill No. 988: Rep(s). Clabough as first sponsor(s).

House Bill No. 1401: Rep(s). Ferguson as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Winningham was/were removed as sponsor(s) of **House Bill No. 533**.

On motion, Rep(s). Odom was/were removed as sponsor(s) of **House Bill No. 988**.

On motion, Rep(s). Haley was/were removed as sponsor(s) of **House Bill No. 1179**.

MESSAGE FROM THE SENATE

April 29, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 183, 196 and 200; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 183** -- General Assembly, Confirmation of Appointment - Dr. Melvin Wright, Sr., State Board of Education, by *Carter.

***Senate Joint Resolution No. 196** -- General Assembly, Confirmation of Appointment - Ed Williams, State Forestry Commission, by *Ramsey, *Crowe.

***Senate Joint Resolution No. 200** -- General Assembly, Statement of Intent or Position - President's Summit for America's Future, by *Crowe, *Eisea, *Dixon.

MESSAGE FROM THE SENATE

April 29, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 279, 504, 770, 811 and 1845; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 279** -- Insurance Companies, Agents, Brokers - Authorizes state malpractice insurance companies to become state stock insurance companies. by *Haun.

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***Senate Bill No. 504** -- Public Funds and Financing - Expands powers and membership of collateral pool board; requires state funding board to investigate and implement intermediate term investment fund. Amends TCA Section 6-56-110; Section 8-5-110; Section 9-4-103; Section 9-4-107; Section 9-4-703. by *Henry.

***Senate Bill No. 770** -- Pensions and Retirement Benefits - Revises death benefits and disability retirement benefits in TCRS. Amends TCA Title 8, Chapter 36, Parts 1 and 5; Section 8-36-701(a)(3) and Section 8-37-104. by *Atchley.

***Senate Bill No. 811** -- Public Records - Requires county officials to provide computer access and remote electronic access to records during and after regular business hours Amends TCA Title 10, Chapter 7, Part 1. by *Person, *Fowler.

***Senate Bill No. 1845** -- Charitable Solicitations - Makes certain changes relative to charitable solicitations. Amends TCA Title 48, Chapter 101, Part 5. by *Ramsey, *Crutchfield.

**REPORT OF CHIEF ENGROSSING CLERK
April 29, 1997**

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 1971.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS
April 29, 1997**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 195, 197, 200, 201, 202 and 215; also, House Resolution(s) No(s). 4, 6, 7, 13 and 47.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED
April 29, 1997**

The Speaker signed the following: House Joint Resolution(s) No(s). 195, 197, 200, 201, 202 and 215; also, House Resolution(s) No(s). 4, 6, 7, 13 and 47.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
April 29, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 216 and 224; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE GOVERNOR

April 29, 1997

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 15, 30, 204, 904, 978, 1030, 1176, 1186, 1960, 1962 and 1966, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

SIGNED

April 29, 1997

The Speaker signed the following: Senate Joint Resolution(s) No(s). 216.

MESSAGE FROM THE GOVERNOR

April 30, 1997

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 923, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

MESSAGE FROM THE SENATE

April 30, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 165; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 165** -- General Assembly, Studies - Creates special joint committee on graduated licensing and its impact. by *Cohen, *Haun, *Crowe.

ENROLLED BILLS

April 30, 1997

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 202, 284, 417, 459, 1121 and 1814.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 30, 1997

The Speaker signed the following: House Bill(s) No(s). 202, 284, 417, 459, 1121 and 1814.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

PERSONAL ORDERS

RECOGNITION IN THE WELL

Representatives Head and McMillan were recognized in the Well to honor Austin Peay State University Basketball player, Charles "Bubba" Wells.

RULES SUSPENDED

Rep. Head moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 225 out of order, which motion prevailed.

House Joint Resolution No. 225 -- Memorials, Sports - Charles "Bubba" Wells, Austin Peay State University shooting sensation. by *Head, *McMillan.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Head, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 222** -- General Assembly, Statement of Intent or Position - Expresses concern about governor's proposal to abolish department of mental health and mental retardation and merge its functions and responsibilities into expanded department of health. by *Cross.

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Health & Human Resources Committee

House Joint Resolution No. 226 -- Naming and Designating - "SAFE KIDS Week," May 10-18, 1997. by *Pruitt.

Children & Family Affairs Committee

***House Joint Resolution No. 229** -- Constitutional Amendments - Establishes "Sportsperson's Bill of Rights.". by *Bittle.

Judiciary Committee

***House Joint Resolution No. 231** -- General Assembly, Studies - Creates special joint committee to study use of eminent domain. by *Stulce, *Walker, *Sharp, *Wood, *McAfee, *Brown, *Turner (Hamilton).

State & Local Government Committee

***House Resolution No. 68** -- General Assembly, Studies - Continues house committee to study earthquake preparation. by *Kernell, *Haley, *Bowers, *Brooks, *Pinion.

Conservation & Environment Committee

House Resolution No. 69 -- Naming and Designating - National Nursing Home Week, May 11-17, 1997. by *Ferguson.

Health & Human Resource Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 1, 1997:

House Resolution No. 70 -- Memorials, Professional Achievement - Carlos Cantu, Horatio Alger Award. by *Scroggs.

House Joint Resolution No. 224 -- Memorials, Sports - East Ridge High School softball team, state champions. by *Sharp.

House Joint Resolution No. 227 -- Memorials, Public Service - Kerry Leigh Lovelace, Adopt-A-School Program. by *Eckles.

House Joint Resolution No. 228 -- Memorials, Personal Achievement - Baxter Wilson, Reader's Digest, Kindness of Strangers. by *Windle.

House Joint Resolution No. 230 -- Memorials, Professional Achievement - Tom "Black Cat" Reilly, 68th anniversary, Nashville Banner. by *Kent.

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House Joint Resolution No. 232 -- Memorials, Interns - Sheryl Denise Neal. by *Turner (Shelby), *West, *Jones, S..

House Joint Resolution No. 233 -- Memorials, Interns - Leslie Collen Griffin. by *West, *Jones, S., *Turner (Shelby).

House Joint Resolution No. 234 -- Memorials, Professional Achievement - Faye Johnson, President, League of Women Voters. by *Hood, *Eckles, *Beavers.

House Joint Resolution No. 237 -- Memorials, Professional Achievement - Rhea County Health Department, "Tennessee Local Health Department of the Year award.". by *Walker.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 165** -- General Assembly, Studies - Creates special joint committee on graduated licensing and its impact. by *Cohen, *Haun, *Crowe.

Transportation Committee

***Senate Joint Resolution No. 183** -- General Assembly, Confirmation of Appointment - Dr. Melvin Wright, Sr., State Board of Education. by *Carter, *Herron.

Education Committee

***Senate Joint Resolution No. 196** -- General Assembly, Confirmation of Appointment - Ed Williams, State Forestry Commission. by *Ramsey, *Crowe.

Agriculture Committee

***Senate Joint Resolution No. 200** -- General Assembly, Statement of Intent or Position - President's Summit for America's Future. by *Crowe, *Elsea, *Dixon.

Children & Family Affairs Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1988 -- Chester County - Subject to local approval, authorizes hotel/motel tax. by *Walley.

House Bill No. 1989 -- Obion - Subject to local approval, enacts new charter. - Repeals Chapter 22, Private Acts of 1971, as amended. by *Pinion.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 279** -- Insurance Companies, Agents, Brokers - Authorizes state malpractice insurance companies to become state stock insurance companies. by *Haun. (HB768)

***Senate Bill No. 504** -- Public Funds and Financing - Expands powers and membership of collateral pool board; requires state funding board to investigate and implement intermediate term investment fund. Amends TCA Section 6-56-110; Section 8-5-110; Section 9-4-103; Section 9-4-107; Section 9-4-703. by *Henry. (HB868)

***Senate Bill No. 770** -- Pensions and Retirement Benefits - Revises death benefits and disability retirement benefits in TCRS. Amends TCA Title 8, Chapter 36, Parts 1 and 5; Section 8-36-701(a)(3) and Section 8-37-104. by *Atchley. (HB563)

***Senate Bill No. 811** -- Public Records - Requires county officials to provide computer access and remote electronic access to records during and after regular business hours Amends TCA Title 10, Chapter 7, Part 1. by *Person, *Fowler. (HB1274)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1987 -- Hickman County -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 29, 1997**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 1, 1997**: House Bill(s) No(s).563, 1519, 1056, 899, 1075, 1286, 1073, 407, 94, 1403, 1014, 767, 679, 336, 264, 1720,1147 and 1788.

The Committee set the following bill(s) and/or resolution(s) on the **Regular Calendar** for **May 8, 1997**: House Bill(s) No(s).629, 460 and 356.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 5, 1997**: House Bill(s) No(s). 628, 1100, 434, 1634, 1932, 1769, 1505 and House Joint Resolution(s) No(s).169.

COMMERCE

The Commerce Committee recommends for passage: House Bill(s) No(s). 1601, 1961 and 686; also House Bill(s) No(s). 150, 1441, 1484 and 357 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 570, 1307 and 697 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

It further recommended that House Bill(s) No(s). 1364 be referred to the Government Operations Committee for review.

It further reported that House Bill No. 221 was considered, but failed to pass.

CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for passage: House Bill(s) No(s). 1854, House Joint Resolution(s) No(s).217 and Senate Joint Resolution(s) No(s). 22 124, also House Joint Resolution(s) No(s). 207 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1061 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 1633 and 1705, also House Bill(s) No(s). 1179 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 432, 442, 1396, 795, 1480, 787, 1064 and 1274, also House Bill(s) No(s). 1212 and 258 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 183. Under the rules, each was transmitted to the Calendar and Rules Committee.

After review, it further recommended that House Bill(s) No(s). 1792 be referred to the Commerce Committee and House Bill(s) No(s). 1827 be referred to the Health & Human Resources Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage House Bill(s) No(s). 700 and 1328 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1415 and 371 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 1719, 1680, 1470, 1469, 1315, 1812, 1638 and House Joint Resolution(s) No(s). 132, also House Bill(s) No(s). 599, 1234, 873, 437 and 1803 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1427 and 536 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 30, 1997**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 5, 1997**: House Bill(s) No(s). 200, 868, 1920, 1462, 1001, 55, 1264, 1251, 1345, 1906, House Joint Resolution(s) No(s). 84 and House Resolution(s) No(s). 19.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 5, 1997**: House Bill(s) No(s). 1243, 1652, 1445, 1740 and 1523.

CHILDREN & FAMILY AFFAIRS

The Committee on Children and Family Affairs recommended for passage: House Bill(s) No(s). 1660, 654, 273, 763 and House Joint Resolution(s) No(s). 182 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 433, 1593 and 535, also House Bill(s) No(s). 1413, 790, 983 and 32 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

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It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 263 and 394; also House Bill(s) No(s). 1487, 436 and 1611 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

TRANSPORTATION

The Transportation Committee recommended for passage: House Joint Resolution(s) No(s). 192 and Senate Joint Resolution(s) No(s).38, also House Bill(s) No(s). 449 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1504. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CAPTION BILLS REFERRED

Pursuant to **Rule No. 47**, the following Caption Bill(s), 209, 1399, 1732, 1085, 1125, 1669, 402, 984, 982, 59, 1662, 1553, 1360, 1227, 360, 955, 702 and 612 held on the Clerk's desk were referred to the following Committee(s):

House Bill No. 209 -- Education -- House Education Committee

House Bill No. 1399 -- Taxes, Privilege -- House Finance, Ways & Means Committee

House Bill No. 1732 -- Regional Authorities -- House State & Local Government Committee

House Bill No. 1085 -- Taxes -- House State & Local Government Committee

House Bill No. 1125 -- Sunshine Law -- House State & Local Government Committee

House Bill No. 1669 -- Insurance, Life -- House Commerce Committee

***House Bill No. 402** -- Telecommunications -- House Commerce Committee

House Bill No. 984 -- Private Protective Services -- House Commerce Committee

House Bill No. 982 -- Bad Checks -- House Commerce Committee

***House Bill No. 59** -- Criminal Procedure -- House Judiciary Committee

House Bill No. 1662 -- Bail, Bail Bonds -- House Judiciary Committee

House Bill No. 1553 -- Criminal Procedure -- House Judiciary Committee

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House Bill No. 1360 -- Attorney General and Reporter -- House Judiciary Committee

House Bill No. 1227 -- Taxes -- House Judiciary Committee

House Bill No. 360 -- Highways, Roads and Bridges -- House Transportation Committee

House Bill No. 955 -- Managed Care Organizations -- House Government Operations Committee

***House Bill No. 702** -- Common Carriers -- House Government Operations Committee

***House Bill No. 612** -- Tennessee Regulatory Authority -- House Government Operations Committee

CONSENT CALENDAR

House Resolution No. 65 -- Memorials, Professional Achievement - Plant Maintenance Service Corporation, 30th anniversary. by *Miller L.

House Resolution No. 66 -- Memorials, Recognition and Thanks - The Day Family gospel singing group. by *Newton.

House Resolution No. 67 -- Memorials, Interns - Daniel Dunn. by *Scroggs, *Pleasant, *Haley, *Hargett.

House Joint Resolution No. 221 -- Memorials, Retirement - Judge William D. Field, Sr. by *Jackson.

House Joint Resolution No. 223 -- Memorials, Death - Leon Davis. by *Davis R, *Whitson.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.....	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley,

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Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

RE-REFERRAL OF BILLS

Speaker Naifeh re-referred House Bill No. 739 from the Department of Safety subcommittee to the Department of Transportation subcommittee and House Bill No. 1804 from the State & Local Government Committee to the Finance, Ways & Means Committee.

REGULAR CALENDAR

***House Bill No. 214** -- Civil Procedure - Authorizes owner of surrounding property to receive damages which include litigation costs and proportionate share of increase in value of surrounded land in actions to grant surrounded land owner right-of-way for private road and utility easement Amends TCA Section 54-14-109. by *Stulce. (SB117 by *Crutchfield)

Further consideration of House Bill No. 214, previously considered on March 24, 1997, March 26, 1997, April 9, 1997, April 16, 1997, and reset to today's Calendar.

Rep. Stulce moved that House Bill No. 214 be re-referred to the House Judiciary Committee.

House Bill No. 922 -- Uniform Commercial Code - Defines "record"; redefines "signature," "signed," "writing," and "written" for use in UCC and statute of frauds. Amends TCA Section 1-3-105; Section 29-2-101 and Title 47. by *McMillan, *Rhinehart, *Fitzhugh, *Pinion, *Bowers, *Gunnels. (*SB525 by *Rochelle)

Rep. McMillan requested that House Bill No. 922 be moved to the heel of the Calendar.

House Bill No. 1008 -- Tort Liability - Prohibits insurer, MCO or administrator of health insurance from requiring health care licensee to indemnify or hold harmless TCA Title 56 licensee for tort, patent or copyright infringement liability incurred by licensee by act of health care provider; applies same prohibitions to providers and insurers under TennCare program. Amends TCA Title 56 and Title 71. by *Westmoreland. (*SB1081 by *Haynes)

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Rep. Westmoreland moved that House Bill No. 1008 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1008 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 2, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section _____. No health insurer, prepaid group health plan, health maintenance organization, preferred provider organization or similar entity licensed under this part that provides or administers health insurance shall require, by contract or otherwise, any Title 63 or 68 licensee to indemnify or hold harmless such Title 56 licensee for tort or patent or copyright infringement liability that such Title 56 licensee incurs, experiences, or causes by act or omission, or by act or omission of the Title 63 or 68 provider to the extent the act or omission was pursuant to a directive of the Title 56 licensee.

SECTION 2. Tennessee Code Annotated Title 71, Chapter 5, Part 1, is amended by adding a new section as follows:

Section _____. No health insurer, prepaid group health plan, health maintenance organization, preferred provider organization or similar entity licensed under this part that provides or administers health insurance under the TennCare Program, shall require, by contract or otherwise, any Title 63 or 68 licensee to indemnify or hold harmless such TennCare managed care organization or Title 56 licensee for tort or patent or copyright infringement liability that such TennCare managed care organization or Title 56 licensee incurs, experiences, or causes by act or omission, or by act or omission of the Title 63 or 68 provider to the extent the act or omission was pursuant to a directive of the Title 56 licensee.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect January 1, 1998, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Westmoreland moved that **House Bill No. 1008**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1009 -- Privacy, Confidentiality - Increases from Class B misdemeanor to Class D felony offense of unlawfully photographing someone in violation of right to privacy; increases from Class A misdemeanor to Class C felony offense of disseminating such unlawful photographs. Amends TCA Section 39-13-605. by *Godsey, *Patton, *Westmoreland, *Hicks, *Mumpower. (*SB1133 by *Crowe, *Fowler)

Rep. Godsey moved that House Bill No. 1009 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1009 by deleting the language "Class D felony" from the amendatory language of SECTION 1 and substituting instead the language "Class A misdemeanor".

FURTHER AMEND by deleting the language "Class C felony" from the amendatory language of SECTION 2 and substituting instead the language "Class E felony".

On motion, Amendment No. 1 was adopted.

Rep. McAfee moved the previous question, which motion prevailed.

Rep. Godsey moved that **House Bill No. 1009**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes..... 94
Noes 1
Present and not voting..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Towns -- 1.

Representatives present and not voting were: Caldwell -- 1.

A motion to reconsider was tabled.

House Bill No. 1429 -- Housing - Restricts availability of tax increment financing to housing authority properties actually constructed with such financing and leased to private entity Amends TCA Section 13-20-205. by *McAfee. (*SB1559 by *Crutchfield)

Further consideration of House Bill No. 1429, previously considered on April 24, 1997, and reset to today's Calendar.

Rep. McAfee moved that House Bill No(s). 1429 be reset for the Regular Calendar on Thursday, May 1, 1997, which motion prevailed.

House Bill No. 1733 -- Probation - Allows any judge of equal jurisdiction to conduct probation revocation hearing when requested to do so by trial judge who originally granted probation Amends TCA Title 40, Chapter 35, Part 3. by *Sands. (*SB1784 by *Jordan)

Rep. Sands moved that House Bill No. 1733 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1733 by deleting from the directory language of SECTION 1 the citation "40-35-313(b)" and substituting instead the citation "40- 35-311(b)".

On motion, Amendment No. 1 was adopted.

Rep. Sands moved that **House Bill No. 1733**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 665 -- Contractors - Requires licensure of home inspection contractors and to pay fee set by board. Amends TCA Title 62, Chapter 6. by *Bowers. (*SB872 by *Haun)

Rep. Bowers requested that House Bill No. 665 be moved to the heel of the Calendar.

House Bill No. 266 -- Education, Higher - Allows alumni members of state board of regents to have attended either two years or four semesters at institution governed by board. Amends TCA Title 49, Chapters 7, 8 and 9. by *Curtiss. (*SB114 by *Cooper)

Rep. Curtiss moved that House Bill No. 266 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 266 by deleting Sections 1 and 2 of the printed bill and substituting the following:

SECTION 1. The state board of regents is hereby requested to conduct a study of the feasibility and/or desirability of merging the post-secondary educational facilities currently located in Warren County, i.e. the Motlow State Community College at McMinnville, the Tennessee Technology

Center, and the Tennessee State University Nursery Research Station. Such study should examine the economic and industrial needs of this area, as well as the training and educational needs of the local population. The study should also address the question as to whether the three (3) existing facilities should be consolidated or expanded into a two or a four-year state institution of high education.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it, and the requested report should be submitted to the General Assembly before February 1, 1998

On motion, Amendment No. 1 was adopted.

Rep. Curtiss moved that **House Bill No. 266**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1550 -- Teachers - Provides for reimbursement of evaluation fees for no more than 25 teachers for National Board for Professional Teaching Standards evaluations. Amends TCA Title 49, Chapter 5. by *Davidson, *Winningham. (*SB1061 by *Womack)

Rep. Davidson moved that House Bill No. 1550 be passed on third and final consideration.

Rep. Head moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:
Amendment No. 1

AMEND House Bill No. 1550 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 1 was adopted.

Rep. Davidson moved that **House Bill No. 1550**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1967 -- Townsend - Subject to local approval, revises charter. Amends Chapter 463 of the Private Acts of 1941; as amended. by "Clabough. (SB1974 by *Koella)

Further consideration of House Bill No. 1967 on April 28, 1997, at which time it was objected to on the Consent Calendar, and reset to today's Regular Calendar.

Rep. Clabough moved that House Bill No. 1967 be passed on third and final consideration.

Rep. Clabough moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1967 by deleting from the first sentence of the first paragraph of the amendatory language in SECTION 17 the word and figures "August, 1997" and by substituting instead the word and figures "August, 1998".

AND FURTHER AMEND BY deleting from the first sentence of the second paragraph of the amendatory language in SECTION 17 the word and figures "September, 1997" and by substituting instead the word and figures "September, 1998".

AND FURTHER AMEND BY deleting from the third sentence of the first paragraph of the amendatory language of SECTION 20 the words and figures "two-thirds (2/3) of the Board of Commissioners" and by substituting instead the words "a majority of the members of the Board of Commissioners".

On motion, Amendment No. 1 was adopted.

Rep. Clabough moved that **House Bill No. 1967**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***Senate Bill No. 1621** -- Equalization Board - Provides for county board of equalization members from each of the four largest cities in counties with populations from 10,000 to 60,000, rather than two largest cities, as under present law. Amends TCA Section 67-1-401. by *Leatherwood, *Person. (HB1456 by *Jones U (Shelby), *Kent, *Cross, *Turner (Shelby), *Brooks)

Further consideration of Senate Bill No. 1621, previously considered on April 14, 1997, April 17, 1997, at which time the Senate Bill was substituted for the House Bill.

Senate Bill No. 1621 was also considered on April 28, 1997, at which time the House was on the motion to adopt Amendment No. 1, and the bill was reset to today's calendar.

Rep. Kent moved that Senate Bill No(s). 1621 be reset for the Regular Calendar on Wednesday, April 6, 1997, which motion prevailed.

WEDNESDAY, APRIL 30, 1997 -- THIRTY-SIXTH LEGISLATIVE DAY

House Bill No. 1202 -- Fees - Increases probate court clerk fees in Shelby County. Amends TCA Section 8-21-401. by *DeBerry J, *Kent. (*SB731 by *Person, *Person)

Further consideration of House Bill No. 1202, previously considered on April 28, 1997, and reset to today's Calendar.

Rep. J. DeBerry moved that House Bill No. 1202 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1202 by deleting from subsection (c)(27) of the amendatory language of SECTION 2 the language "2.50" both times it appears in such subpart and substituting instead the language "2.00".

On motion, Amendment No. 1 was adopted.

Rep. Turner (Shelby) moved that House Bill No. 1202 be re-referred to the Committee on Calendar and Rules.

Rep. J. DeBerry moved that the motion to re-refer be tabled, which motion prevailed by the following vote:

Ayes.....	36
Noes	30
Present and not voting.....	18

Representatives voting aye were: Boner, Buck, Clabough, Cole (Carter), Cooper, Curtiss, Davis, DeBerry J., Dunn, Fitzhugh, Godsey, Goins, Gunnels, Halteman-Harwell, Hassell, Hicks, Jackson, Kent, Kerr, McAfee, McDaniel, Miller, Mumpower, Newton, Phillips, Pinion, Roach, Robinson, Sands, Scroggs, Stamps, Stulce, Turner (Hamilton), Walker, Walley, Williams -- 36.

Representatives voting no were: Beavers, Bittle, Bowers, Boyer, Brooks, Brown, Burchett, Caldwell, Chumney, Davidson, Eckles, Ford, Fraley, Haley, Hargrove, Head, Hood, Kernell, McKee, McMillan, Patton, Phelan, Sargent, Sharp, Tidwell, Towns, Turner (Shelby), West, Westmoreland, Wood -- 30.

Representatives present and not voting were: Bone, Cole (Dyer), Cross, Ferguson, Givens, Jones U., Langster, Maddox, McDonald, Odom, Rhinehart, Ridgeway, Rinks, Ritchie, White, Whitson, Windle, Winningham -- 18.

Rep. J. DeBerry moved that House Bill No(s). 1202 be reset for the Regular Calendar on Wednesday, May 7, 1997, which motion prevailed.

House Bill No. 922 -- Uniform Commercial Code - Defines "record"; redefines "signature," "signed," "writing," and "written" for use in UCC and statute of frauds. Amends TCA Section 1-3-105; Section 29-2-101 and Title 47. by *McMillan, *Rhinehart, *Fitzhugh, *Pinion, *Bowers, *Gunnels. (*SB525 by *Rochelle)

Further consideration of House Bill No. 922, previously considered on today's Calendar.

On motion, House Bill No. 922 was made to conform with **Senate Bill No. 525**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that Senate Bill No. 525, be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. McMillan requested that Amendment No. 2 be moved to the heel of the Amendments.

Rep. McMillan moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 525 by deleting from the second paragraph of the directory language of Section 1 the words "item (28) in its entirety" and by substituting instead the words "item (28) in its entirety".

On motion, Amendment No. 3 was adopted.

Rep. McMillan moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 525 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 47-25-1301 is amended by deleting the language ", and does not include retailers of yard and garden equipment not primarily engaged in the farm equipment business" and substituting instead a period and the language "Retailer also includes any retail lawn and garden dealer, whose primary business is the sale of equipment and servicing of such equipment and the on site sale of parts and warranty repairs, if such sales and services constitute at least eighty percent (80%) of the dealer's annual sales at any one (1) retail location."

On motion, Amendment No. 2 was adopted.

Rep. McMillan moved that **Senate Bill No. 525**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 665 -- Contractors - Requires licensure of home inspection contractors and to pay fee set by board. Amends TCA Title 62, Chapter 6. by *Bowers. (*SB872 by *Haun)

Further consideration of House Bill No. 665, previously considered on today's Calendar.

Rep. Bowers moved that House Bill No. 665 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 665 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 6, is amended by adding the following new section:

Section ____.

(a) No person, firm or corporation shall offer to perform or perform new inspection services for a fee without having first obtained:

(1) A contractor's license from the board; or

(2) Certification as a fire prevention or building official under §68-120-113; or

(3) Certification by the Southern Building Code Congress International or any other national professional building code organization; or

(4) Certification by the Home Inspectors of Tennessee Association, Inc.

(b) For the purposes of this section, "new inspection services" means the examination and evaluation of the structural and aesthetic features of new residential, commercial and industrial buildings. "New inspection services" does not include any work which is within the scope of practice of architecture or engineering as defined in Title 62, Chapter 2, or any work which is within the scope of building code enforcement as defined in Title 68, Chapter 120.

(c) A violation of this section is a Class C misdemeanor.

SECTION 2. This act shall take effect July 1, 1997, the public welfare requiring it.

Rep. Rhinehart moved to withdraw the motion to adopt Amendment No. 2, which motion prevailed.

Rep. Rhinehart moved to hear Amendment No. 6 out of order.

Rep. Bowers moved that House Bill No(s). 665 be reset for the Regular Calendar on Thursday, May 1, 1997, which motion prevailed.

MESSAGE CALENDAR

MOTION TO RECONSIDER

Rep. Head moved to lift from the table the motion to reconsider Senate Bill No. 253, which motion prevailed.

***Senate Bill No. 253 -- Taxes, Real Property - Permits** county trustee in each county to accept partial payment of property taxes Amends TCA Section 67-5-1801(e). by *Henry, *Dixon, *Rochelle. (HB340 by *Head, *Bone, *White)

Rep. Head moved to reconsider action in passing Senate Bill No. 253, which motion prevailed.

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On motion, the House reconsidered its action in adopting Amendment No. 1. On motion, Amendment No. 1 was withdrawn.

Rep. Head moved that Senate Bill No. 253, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Boner moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 235 out of order, which motion prevailed.

House Joint Resolution No. 235 -- Memorials, Recognition and Thanks - Faith Is The Victory Church, 20th anniversary. by *Boner, *Garrett.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Boner, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. McDonald moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 236 out of order, which motion prevailed.

House Joint Resolution No. 236 -- Memorials, Retirement - Bobby J. Langford. by *McDonald.

WEDNESDAY, APRIL 30, 1997 -- THIRTY-SIXTH LEGISLATIVE DAY

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. McDonald, the resolution was adopted.

A motion to reconsider was tabled.

BILL RECALL REQUESTED

Rep. McMillan moved that House Bill No. 788 (Senate Bill No. 529) be recalled from the Senate, which motion prevailed.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 59: Rep(s). Phelan as prime sponsor(s).

House Joint Resolution No. 196: Rep(s). White as prime sponsor(s).

House Bill No. 94: Rep(s). S. Jones as prime sponsor(s).

House Bill No. 628: Rep(s). Pruitt as prime sponsor(s).

House Bill No. 640: Rep(s). Cross and Ferguson as prime sponsor(s).

House Bill No. 1303: Rep(s). Eckles as prime sponsor(s).

House Bill No. 1307: Rep(s). Bird and Haley as prime sponsor(s).

House Bill No. 1660: Rep(s). Halteman Harwell as prime sponsor(s).

MESSAGE FROM THE SENATE

April 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 57, 276, 1099, 1174, 1268, 1280, 1658, 1689, 1750, 1969, 1970, 1972, 1974 and 1976; also, House Joint Resolution(s) No(s). 189, 190, 193, 195, 197, 198, 200, 201, 202, 204, 212, 215 and 216; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 202, 284, 417, 459, 1121 and 1814; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 30, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 79, 84, 92, 97, 98, 101, 166, 216, 382, 496, 559, 857, 929, 1609, 1686 and 1722; also, Senate Joint Resolution(s) No(s). 58, 160, 191, 192, 193, 194, 195 and 209 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 30, 1997

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 202, 276, 284, 417, 459, 1099, 1121, 1174, 1268, 1280, 1658, 1689, 1750, 1814, 1969, 1970, 1972, 1974 and 1976; also, House Joint Resolution(s) No(s). 189, 190, 193, 195, 197, 198, 200, 201, 202, 204, 212, 215 and 216.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

April 30, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 225.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 30, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 225; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

April 30, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 221, 223, 235 and 236.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

April 30, 1997

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 215, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

REPORT OF CHIEF ENGROSSING CLERK

April 30, 1997

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 57.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1165; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 228, 1978, 1983 and 1984; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

April 30, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 266, 1008, 1009, 1550, 1733 and 1967.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 810; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 280, 421, 1063 and 1730; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 30, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1815; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS

April 30, 1997

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 225; also, House Resolution(s) No(s). 65, 66 and 67.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 30, 1997

The Speaker signed the following: House Joint Resolution(s) No(s). 225; also, House Resolution(s) No(s). 65, 66 and 67.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 30, 1997

MR. SPEAKER: I am directed to request the return of House Bill(s) No(s). 1815 for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED

April 30, 1997

The Speaker signed the following: Senate Joint Resolution(s) No(s). 224.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 9:00 a.m., Thursday, April, 1, 1997.